

VIII
Fort Huachuca
file

STATE OF ARIZONA
MILITARY DEPARTMENT
OFFICE OF THE ADJUTANT GENERAL
747 WEST VAN BUREN STREET
PHOENIX, ARIZONA

FEF/AMT/dh

1 June 1949

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Arizona Corporation Commission
Arizona State Building
Phoenix, Arizona

Gentlemen:

Under date of 15 February 1949 the Governor accepted on behalf of the State of Arizona, the Fort Huachuca Military Reservation situated in Cochise County, Arizona.

Subsequent to the signing of the acceptance, a deed to Fort Huachuca was transmitted to the Governor. The deed transferred Fort Huachuca, Arizona, to the State of Arizona for use of the National Guard of Arizona and the Fish and Game Commission of Arizona. The terms of the deed conveyed to the State of Arizona all contracts, leases, permits and licenses held by the United States of America to the State of Arizona. Such contracts, leases, permits and licenses have been accepted by the State of Arizona pending the issuance of new licenses, contracts, permits and leases.

Among the licenses, leases, permits and contracts are: (1) Issued to the Citizens Utilities Company for the operation of the power plant and facilities at Fort Huachuca, and (2) Tucson Gas, Electric Light and Power Company for the furnishing of power to Fort Huachuca and vicinity. All contracts, leases, permits and licenses contain a 30-day cancellation clause.

The Citizens Utilities Company have notified this Headquarters of the National Guard of Arizona, a Department of the State of Arizona, that it will terminate its lease for the operation of the power plant and facilities at Fort Huachuca effective 29 June 1949. Although the Citizens Utilities Company operate the power plant and facilities at Fort Huachuca they do not furnish power direct to Fort Huachuca. The power produced at Fort Huachuca, Arizona, is supplied to the Tucson Gas, Electric Light and Power Company and is received back into Fort Huachuca from the Tucson Gas, Electric Light and Power Company because Fort Huachuca lies in what is termed the Tucson Pool.

Ltr NG,Az dtd 1 June 49
Ariz Corp Commission

Under the provisions of Chapter 67, Arizona Code Annotated 1939, the National Guard of Arizona are permitted to receive certain income from Fort Huachuca which includes the operation of the power plant, grazing fees, rentals, etc. The income so received must be used for the operation and maintenance of Fort Huachuca. Chapter 67 stipulates the number of employees, the type of employment they shall be engaged in, the amount of salary they shall be paid, and in addition stipulates the amount of income received that can be spent for salaries, maintenance and operation. There is no provision in Chapter 67 for the operation of the power plant and prohibits the expenditure of State appropriated monies.

Referring again to the deed, there are certain provisions therein that require the National Guard of Arizona to provide the Fish and Game Commission with such power, light and water as they may require. The furnishing of these facilities depends upon the operation of the power plant and its facilities. The generation of power to furnish light and power, and in addition to pump water from such wells as may be required, is beyond the National Guard and the Fish and Game Commission.

With the termination of this lease by the Citizens Utilities Company the operating of the power plant will cease and Fort Huachuca will be without light and power unless the Arizona Corporation Commission can prevail upon the Tucson Gas, Electric Light and Power Company to continue the furnishing of power to Fort Huachuca until some other corporation or person/persons will enter into a lease for the operation of the power plant.

Your opinion is requested as to whether or not the Tucson Gas, Electric Light and Power Company can be prevailed upon to furnish power to Fort Huachuca, Arizona, until such time as negotiations can be completed whereby the power plant at Fort Huachuca can be leased. It must be borne in mind that the sum of \$400.00 per month only has been appropriated for the operation and maintenance of Fort Huachuca under the provisions of Chapter 67, Arizona Code Annotated 1939. It is requested that your opinion be expedited in view of the fact the National Guard of Arizona are required to train at Fort Huachuca, Arizona, and in addition provide the facilities enumerated above to the Arizona Fish and Game Commission.

Respectfully yours,

cc: Governor of Ariz. ✓
Attorney General
State Auditor

A. M. TUTHILL
Major General, NG,Az.
The Adjutant General